

REMARKS

Upon entry of the above-identified amendment, claims 1-52, 55-62, 64-79, and 82-84 will be pending, wherein claim 85 will be canceled and claims 56 and 84 will be amended.

Applicants respectfully request entry of the above-identified amendment in view of the remarks presented herein below.

At the outset, Applicants note with appreciation the indication the claims 1-52, 55 and 83 are allowed and that claims 60-62, 64, 67, 70-72, 75, 78, 79 and 82 contain allowable subject matter.

The Examiner objects to claim 64 because it refers to “said sheath” but no sheath is recited in parent claims 85 or 56. Upon entry of the above-identified amendment claim 56 will recite a dielectric sheath, thereby addressing the Examiner’s concerns.

The Examiner rejects claims 56, 58, 65-66, 69, 74, 76, 77, 84 and 85 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,005,178 to Kluitmans et al. (“Kluitmans”). Applicants respectfully traverse this rejection.

In order to support rejection under 35 U.S.C. §102, the cited reference must teach each and every claimed element. In the present case, claims 56, 58, 65-66, 69, 74, 76, 77, 84 and 85 are not anticipated by Kluitmans for at least the reason that Kluitmans fails to disclose each and every claimed element as discussed below.

Upon entry of the above-identified amendment, claim 56 will define an optoelectronic packaging assembly that includes, *inter alia*, a base, a submount, a plurality of transmission line pins extending from an interior of the submount to an exterior of the submount, a portion of at least one transmission line pin being electrically shorted to the submount, wherein each of the plurality of transmission line pins is comprised of an inner conductor, a dielectric sheath

surrounding the inner conductor, and an outer conductive material surrounding the dielectric sheath.

The Examiner asserts that Kluitmans discloses a plurality of transmission line pins as claimed in as much as Kluitmans discloses a plurality of pins which are inserted into a metal base by means of feedthrough insulators for which glass is usually used. More specifically, the Examiner equates the feedthrough insulators as being equivalent to the claimed dielectric sheath and the base as being equivalent to the claimed outer conductive material. These assertions is unfounded for the following reasons.

First, the feedthrough insulators of Kluitmans are not equivalent to the claimed dielectric sheaths. One skilled in the art would readily appreciate the insulators of Kluitmans serve only to isolate the pins from the metal base, not as dielectric sheaths as claimed. Furthermore, even if, *arguendo*, one were to equate the insulator as being dielectric sheaths (which Applicants do not concede) Kluitmans still fails to disclose a conductive material, separate from the base, surrounding the dielectric sheath as claimed. Accordingly, independent claim 56 is not anticipated by Kluitmans.

Claims 58, 65-66, 69, 74, 76, 77, and 84 variously depend from independent claim 56. Therefore, claims 58, 65-66, 69, 74, 76, 77, and 84 are patentably distinguishable over Kluitmans for at least those reasons presented above with respect to claim 56. Accordingly, Applicants respectfully request entry of the above-identified amendment and withdrawal of the rejection of claims 56, 58, 65-66, 69, 74, 76, 77, and 84 under 35 U.S.C. §102.

On page 4 of the Action, the Examiner rejects claims 57, 59, 64, 68 and 73 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kluitmans. Applicants respectfully traverse this rejection.

Claims 57, 59, 64, 68 and 73 variously depend from independent claim 56. Therefore, claims 57, 59, 64, 68 and 73 are patentably distinguishable over Kluitmans for at least those reasons presented above with respect to claim 56. Accordingly, Applicants respectfully request entry of the above-identified amendment and withdrawal of the rejection of claims 57, 59, 64, 68 and 73 under 35 U.S.C. §103.

The application is in condition for allowance. Notice of same is earnestly solicited. Should the Examiner find the application other than in condition for allowance, the Examiner is invited to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

The Applicant hereby authorizes the Commissioner of Patents to charge any fees necessary to complete this filing, including any fees required under 37 C.F.R. §1.136 for any necessary Extension of Time to make the filing of the attached documents timely, or credit any overpayment in fees, to Deposit Account No. 50-0911. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. §1.136 for the necessary extension of time. A duplicate copy of this page is enclosed.

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Respectfully submitted,

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